

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

In Re:

GABAPENTIN PATENT LITIGATION

MDL Docket No. 1384

Master Civil Action No. 00-2931(FSH)

In Re:

NEURONTIN ANTITRUST LITIGATION

MDL Docket No. 1479

Master Civil Action No. 02-1390(FSH)

ORDER ON INFORMAL APPLICATION

This matter having come before the Court by way of submission dated October 3, 2008; and the Court having considered the submissions, claims, defenses, and Fed. R. Civ. P.

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and for the reasons set forth in the Opinion delivered on the record on October 8, 2008;

and for good cause shown,

IT IS ON THIS 8th day of October, 2008

ORDERED that, no later than **October 31, 2008**, the direct purchase plaintiffs shall produce nonprivileged documents reflecting/addressing: (1) the scope of the assignment, including the assignments themselves, the communications regarding the products covered and obligations of the assignee and assignor concerning litigation that the assignee pursues under the assignment; and (2) consideration for the assignment. Responsive documents that are believed to

be privileged shall be listed on a privilege log in accordance with Local Civ. R. 34.1. If no responsive documents exists, then a certification from a representative of the particular plaintiff so stating shall be produced by October 31, 2008;

IT IS FURTHER ORDERED that, no later than **October 22, 2008**, the direct purchaser plaintiffs shall commence producing documents that are in the possession of the assignees. If the assignor is uncooperative in this process, then the particular assignee shall produce a certification(s) from persons with knowledge setting forth the steps taken to obtain the assignor's cooperation, why the cooperation was not provided, whether or not the assignments included understandings between the assignor and assignee about making documents available for the assignees use to further their rights under the assignment, and whether or not the assignor has called upon the assignee to provide documents for such use or for any other purpose;

IT IS FURTHER ORDERED that, because of the availability of information from data vendors such as IMS, the request to compel production of individualized sale data for downstream sales from the direct purchaser plaintiffs is denied; and

IT IS FURTHER ORDERED that the request to compel the production of the end payor plaintiff's medical records is denied.

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE